



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,167	08/07/2003	Silvio Lupo	36020364 US02	3595

7590
Paul D. Greeley, Esq.
Ohlandt, Greeley, Ruggiero & Perl, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER

NGUYEN, PHILLIP

ART UNIT	PAPER NUMBER
----------	--------------

2828

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/636,167	LUPO, SILVIO	
	Examiner	Art Unit	
	Phillip Nguyen	2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 December 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9 and 10 is/are allowed.
- 6) Claim(s) 1,3 and 5-7 is/are rejected.
- 7) Claim(s) 2,4,8 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

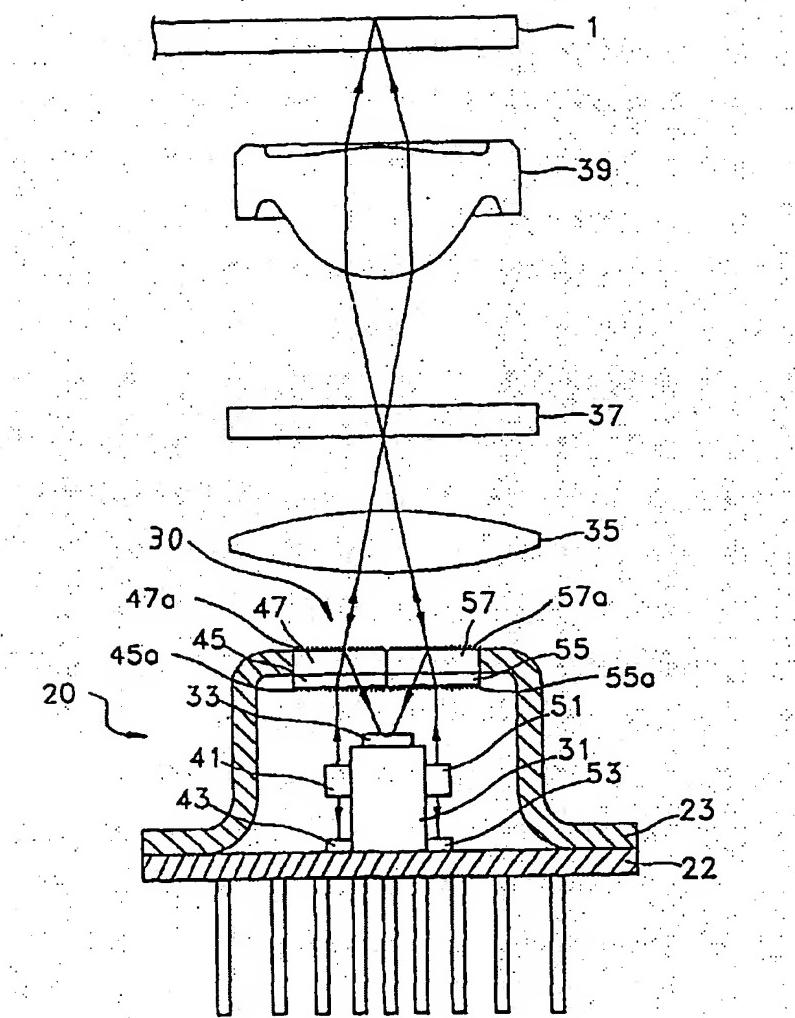
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim (US Patent No. 5995476).

FIG. 2



With respect to claim 1, Kim discloses in Fig. 1-2 a mounting arrangement for a laser source 41/51 and at least one auxiliary electrical component 43/53 associated therewith, said laser source and said auxiliary electrical component being mounted on a general plane of extension of a submount 31, wherein said at least one auxiliary electrical component is mounted

on said submount so that a longest dimension of said at least one auxiliary electrical component is at least substantially orthogonal to said general plane of said submount.

With respect to claim 3, Kim discloses the laser source has a lasing direction (vertical) and said auxiliary electrical component is displaced laterally with respect to said lasing direction of said laser source.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim ('476). Kim discloses the claimed invention except for said at least one auxiliary electrical component being mounted onto said submount by means of conductive glue or/and an electrical conductive pad onto which both of said laser source and said component are mounted. It would have been obvious to the one having ordinary skill in the art at the time the invention was made to provide a conductive glue or/and conductive pad to mount electrical components to the a submount in order to either use the submount as a conductor (chassis) or heatsink because of the good thermal property of the conductive material.

Art Unit: 2828

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim ('476) in view of Lee et al. (US Patent No. 5854867). Kim discloses the claimed invention except for the electrical auxiliary component being in a form of an SMD component. Lee discloses in Fig. 1B a mounting arrangement with a laser source 22, a submount 6, and an auxiliary component 32 associated with the laser source. It would have been obvious to the one having ordinary skill in the art at the time the invention was made to provide the electrical auxiliary component being in a form of SMD as taught by Lee to Kim in order to replace the component easily in case it fails to work in the future.

Allowable Subject Matter

4. Claims 2, 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-10 are allowed as indicated in the previous Office Action.

Response to Arguments

5. Applicant's arguments filed on 12/04/2006 have been fully considered but they are not persuasive.

Applicant argues on page 6 that the two corresponding monitoring photo-detectors 43/53 are "disposed on the upper surface of substrate 22" (col. 2, lines 14-17 and 62-63); therefore,

Art Unit: 2828

applicant concludes that the photo-detectors are ‘not mounted on the same “general plane of extension”’. Examiner argues that the photo-detectors are disposed on the substrate 22; however, it is believed that the photo-detectors are also mounted on the submount 31 as clearly shown in Fig. 2. Note that being disposed on the substrate does not limit the photo-detector to mount to the submount. The claim fails to clearly define how the auxiliary component is mounted on the submount which is different from the photo detectors 43/53 mounting on the submount 31.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communication Information

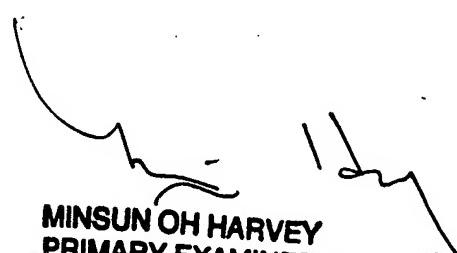
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Nguyen whose telephone number is 571-272-1947. The examiner can normally be reached on 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY, can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pn

AU 2828


**MINSUN OH HARVEY
PRIMARY EXAMINER**